CLASSIFICATION OFFICE DECISION

Title of publication:	Conversation Log 5
Other known title(s):	Not stated
OFLC ref:	1300876.004
Medium:	Computer Text File
Publisher:	Not applicable
Country of origin:	New Zealand
Language:	English
Applicant:	The District Court at Christchurch
Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.
Descriptive note:	None
Display conditions:	None
Date of entry in Register:	17 October 2013
Date of direction to issue a label:	No direction to issue a label has been issued
Date of notice of decision:	No notice of decision has been issued

Summary of reasons for decision:

Conversation Log 5 was submitted for classification by the New Zealand Police. It is a record of texts sent by a 35 year-old man to a girl aged 11-12 years old, consisting almost entirely of explicit sexual comments and questions. Because the recipient was a young girl the issue of whether the conversation log promotes or supports, or tends to promote or support, the exploitation of children for sexual purposes has been considered under s3(2)(a) of the Films, Videos, and Publications Classification Act 1993. However, although the Classification Office concludes that the man's behaviour was inappropriate, it was not abusive or predatory. The texts themselves do not show clear evidence that the man knew that the recipient was a child. The required elements of promotion or support for the exploitation of children for sexual purposes are not present to a degree that would meet the criteria of s3(2)(a).

The New Zealand Bill of Rights Act 1990 requires that any limitation on freedom of expression must be reasonable, demonstrably justified and the minimum required to prevent injury to the public good. In light of the considerations above, a classification of "Objectionable" would be unreasonable. Nevertheless, to classify the conversation log as unrestricted leaves open the

possibility of injury to the public good. The conversation log is an artificial construct created by police. The question of availability does not really arise. However, any material that is sexually explicit to this degree requires restriction to adults.